

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LISA J. GAYLER, individually,

Plaintiff,
VS.

Case No.: 2:14-cv-00818-GMN-VCF

WAL-MART STORES, INC. d/b/a)
WALMART SUPERCENTER STORE #2593;)
REDDY ICE CORPORATION, a domestic)
corporation, DOES 1-20 and ROE BUSINESS)
ENTITIES 1-20, inclusive.)

ORDER

Defendants.

Pending before the Court is a tort action initially filed by Plaintiff Lisa J. Gayler

(“Plaintiff”) against Defendant Wal-Mart Stores Inc. (“Walmart”) in Nevada state court. (State Court Complaint, ECF No. 1-2). On May 22, 2014, Walmart filed a Notice of Removal (ECF No. 1) citing diversity jurisdiction under 28 U.S.C. § 1332 as the basis for federal jurisdiction. However, on August 20, 2014, the parties stipulated to permit Plaintiff to amend her complaint and add Reddy Ice Corporation (“Reddy Ice”) as a defendant. (Stip. to Amend, ECF No. 14). On September 3, 2014, Plaintiff filed her Amended Complaint (ECF No. 16) naming Reddy Ice as a defendant.

On September 30, 2014, Reddy Ice filed a Motion to Remand (ECF No. 30) arguing that its inclusion in this case destroyed diversity and deprived this Court of jurisdiction because both Plaintiff and Reddy Ice are Nevada citizens. The nonmoving parties subsequently filed a stipulation agreeing that diversity no longer existed and remand of this case is appropriate. (Stip. to Remand, ECF No. 31).

The Court agrees that the addition of a diversity-destroying defendant requires remand in a case where removal was based upon diversity jurisdiction. *Stevens v. Brink's Home Sec.*,

1 *Inc.*, 378 F.3d 944, 949 (9th Cir. 2004); 28 U.S.C. § 1447(e). Accordingly, in light of Reddy
2 Ice's inclusion as a defendant and the parties' stipulation, **IT IS HEREBY ORDERED** that
3 Reddy Ice's Motion to Remand (ECF No. 30) is **GRANTED**. The Clerk of the Court shall
4 remand this case back to the Eighth Judicial District Court, Clark County, Nevada.

5 **DATED** this 22nd day of October, 2014.

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8 Gloria M. Navarro, Chief Judge
9 United States District Judge
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